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Sub-Commission on Prevention of Discrimination
and Protection of Minorities
Forty-second session
Item 4 of the provisional agenda

REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE SUB-COMMISSION HAS BEEN CONCERNED

Note by the Secretary-General

1. The present note reviews some developments between 16 June 1989 and 15 June 1990 in fields with which the Sub-Commission has been previously concerned. It does not cover questions which are dealt with in the annotations of the provisional agenda for the forty-second session of the Sub-Commission (E/CN.4/Sub.2/1990/1/Add.1) and in the report of the Secretary-General containing succinct information on developments in the human rights programme and the activities within the United Nations programme on crime prevention and control as they relate to the question of the human rights of persons subjected to any form of detention or imprisonment (E/CN.4/Sub.2/1990/23).

Status and implementation of the International Covenants on Human Rights

2. The status of the International Covenants on Human Rights and the Optional Protocol to the International Covenant on Civil and Political Rights at 31 December 1989 is described in document ST/LEG/SER.E/8, chapter IV.

3. At 1 June 1990, the International Covenant on Economic, Social and Cultural Rights had been ratified or acceded to by 97 States, the International Covenant on Civil and Political Rights had been ratified or acceded to by 92 States and the Optional Protocol to the International Covenant on Civil and Political Rights had been ratified or acceded to by 50 States.

4. The General Assembly, at its forty-fourth session, in resolution 44/128 of 15 December 1989, adopted the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty, which was opened for signature and ratification on 15 December 1989.

5. As at 1 June 1990, the Second Optional Protocol had been signed by 15 States and ratified by 1 State.

Committee on Economic, Social and Cultural Rights

6. At its fourth session, held in January 1990, the Committee considered nine reports submitted by seven States parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights. During the session, the Committee also held a general discussion on the rights contained in article 11 of the Covenant, in particular on the right to housing. The Committee also held discussions with the Special Rapporteur of the Sub-Commission, Mr. Danilo Türk, on his preliminary report on the new international economic order and the promotion of human rights (E/CN.4/Sub.2/1989/19). Pursuant to Economic and Social Council resolution 1987/5 and General Assembly resolution 42/102, the Committee also adopted General Comment 2 on International Technical Assistance Measures (art. 22). A report on the Committee's fourth session was submitted to the first regular session of 1990 of the Economic and Social Council (E/1990/23-E/C.12/1990/3).

Human Rights Committee

7. During its thirty-sixth to thirty-eighth sessions, held in July and October 1989 and in March 1990, the Committee considered five initial reports, 6 second periodic reports and three third periodic reports submitted to it under article 40 of the International Covenant on Civil and Political Rights. At its thirty-seventh session, the Committee adopted General Comment 18 (37) on non-discrimination. During the sessions the Committee also adopted eight views under article 5, paragraph 4 of the Optional Protocol to the Covenant, and took 19 decisions declaring communications inadmissible under the Optional Protocol. A report on the Committee's thirty-fourth to thirty-sixth sessions was submitted to the General Assembly in document A/44/40, and a report on its thirty-seventh to thirty-ninth sessions will be submitted following the Committee's thirty-ninth session, in July 1990.

8. The General Assembly, at its forty-fourth session, adopted resolution 44/129 of 15 December 1989 concerning the International Covenants on Human Rights. In that resolution, the General Assembly, inter alia, expressed its appreciation to the States parties to the International Covenants that had submitted their reports and urged States parties that had not yet done so to submit their reports to the Committees concerned as speedily as possible; again urged all States that had not yet done so to become parties to the International Covenants, as well as to consider acceding to the Optional Protocol to the International Covenant on Civil and Political Rights; requested the Secretary-General to keep the Human Rights Committee and the Committee on Economic, Social and Cultural Rights informed of the relevant activities of the General Assembly, the Economic and Social Council, the Commission on Human Rights, the Commission on the Status of Women, the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination against Women, the Committee against Torture and, where appropriate, other functional commissions of the Economic and Social Council and the specialized agencies, and also to transmit the annual reports of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights to those bodies.

9. The Commission on Human Rights, at its forty-sixth session, adopted resolution 1990/20 of 23 February 1990 concerning the International Covenants on Human Rights. In that resolution, the Commission, inter alia, reaffirmed the importance of the International Covenants on Human Rights as major parts of international efforts to promote universal respect for and observance of human rights and fundamental freedoms; emphasized the importance of the strictest compliance by States parties with their obligations under the International Covenants and, where applicable, the Optional Protocol to the International Covenant on Civil and Political Rights; welcomed the efforts of the Committee on Economic, Social and Cultural Rights in the preparation of general comments on the provisions of the International Covenant on Economic, Social and Cultural Rights; welcomed the continuing efforts of the Human Rights Committee to strive for uniform standards in the implementation of the provisions of the International Covenant on Civil and Political Rights and appealed to other bodies dealing with similar questions of human rights to respect these uniform standards, as expressed in the general comments of the Human Rights Committee.

10. The Economic and Social Council, at its first regular session of 1990, adopted resolution 1990/45 of 25 May 1990, entitled "International Covenants on Human Rights". In this resolution, the Council, inter alia, reaffirmed the importance of the International Covenants on Human Rights as major parts of international efforts to promote universal respect for and observance of human rights and fundamental freedoms; appealed strongly to all States that have not yet done so to become parties to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, and to consider acceding to the Optional Protocol to the International Covenant on Civil and Political Rights; invited States parties, in conformity with article 2, paragraph 1, of the International Covenant on Economic, Social and Cultural Rights, to consider identifying bench-marks to measure achievements in the progressive realization of the rights recognized in the Covenant and, in this context, to pay particular regard to the most vulnerable and disadvantaged; and invited the Commission on Human Rights, at its forty-seventh session, to consider requesting the Secretary-General to devote a seminar, under the United Nations programme of human rights activities for the biennium 1992-1993, for the discussion of appropriate bench-marks to measure achievements in the progressive realization of the rights recognized in the International Covenant on Economic, Social and Cultural Rights.

Status of the International Convention on the Elimination of All Forms of Racial Discrimination

11. At 1 June 1990, there were 130 States parties to the International Convention on the Elimination of All Forms of Racial Discrimination.

READER

Committee on the Elimination of Racial Discrimination

12. At its thirty-seventh session, held from 7 August to 1 September 1989, the Committee continued consideration of reports, comments and information submitted by States parties under article 9 of the Convention; communications under article 14 of the Convention; and copies of petitions, copies of reports and other information relating to Trust and Non-Self-Governing Territories and to all other territories to which General Assembly resolution 1514 (XV) applied, in conformity with article 15 of the Convention. The Committee also considered issues dealing with the Second Decade to Combat Racism and Racial Discrimination and with reporting obligations of States parties to United Nations conventions on human rights. The report of the Committee's thirty-seventh session was submitted to the General Assembly (A/44/18).

13. The General Assembly, at its forty-fourth session, adopted resolution 44/68 of 8 December 1989 concerning the report of the Committee on the Elimination of Racial Discrimination. In this resolution, the General Assembly, inter alia, expressed its profound concern at the fact that a number of States parties to the International Convention on the Elimination of All Forms of Racial Discrimination had still not fulfilled their financial obligations, which led to the cancellation of the February/March 1989 session; endorsed the decision of the Committee to hold, if resources are available, one of its regular sessions in New York in commemoration of its twentieth year of activities under the Convention, to coincide with the International Day for the Elimination of Racial Discrimination, 21 March 1990; invited the Secretary-General to do everything possible to ensure that funds be available to meet all the costs of the Committee's meetings in 1990, including the expenses of its members; requested the Secretary-General to invite those States parties which are in arrears to pay amounts in arrears, and to report thereon at its forty-fifth session; invited States parties at their thirteenth meeting to decide on administrative and legal measures to improve the financial situation of the Committee; and decided to consider the report of the Secretary-General on the financial situation of the Committee and the report of the Committee at its forty-fifth session under the agenda item "Elimination of all forms of racial discrimination".

14. The Commission on Human Rights, at its forty-sixth session, adopted resolution 1990/25 of 27 February 1990, entitled "Effective functioning of bodies established pursuant to United Nations human rights instruments". In this resolution, the Commission, inter alia, recommended that the Secretary-General seek to obtain, at the earliest opportunity, the concurrence of States parties to the Convention on the Elimination of All Forms of Racial Discrimination to the establishment of a contingency reserve fund, made up of that portion of State party payments, received prior to 31 December of each year, which are over-assessments for the Committee on the Elimination of Racial Discrimination for the elapsed year (normally credited against the contribution of States parties), provided that the agreement of a State party must be obtained before its own over-assessment is paid into this fund, with the fund to be used to finance, on a contingency basis, up to two meetings of the Committee on the Elimination of Racial Discrimination in a following year, for which State payments have not been received in that calendar year, with the contingency fund to be reimbursed in full once payments by these States are received.

Status of the International Convention on the Suppression and Punishment of the Crime of Apartheid

15. The status of the Convention at 31 December 1989 is described in ST/LEG/SER.E/8, chapter IV. At 1 June 1990, there were 89 States parties to the Convention.

16. The General Assembly, at its forty-fourth session, adopted resolution 44/69 of 8 December 1989, relating to that Convention. In that resolution, the General Assembly, inter alia, appealed once again to those States that had not yet done so to ratify or to accede to the Convention without further delay, in particular those States that had jurisdiction over transnational corporations operating in South Africa and without whose co-operation such operations cannot be halted; took note with appreciation of the report of the Group of Three of the Commission on Human Rights, and, in particular, of the conclusions and recommendations contained in the report (E/CN.4/1988/32). By the same resolution the General Assembly drew the attention of all States to the opinion expressed by the Group of Three in the report that transnational corporations operating in South Africa must be considered accomplices in the crime of apartheid, in accordance with article III (b) of the Convention; requested the Commission of Human Rights to intensify, in co-operation with the Special Committee against Apartheid, its efforts to compile periodically the progressive list of individuals, organizations, institutions and representatives of States deemed responsible for crimes enumerated in article II of the Convention, as well as those against whom legal proceedings had been undertaken; and noted the importance of measures to be taken by States parties in the field of teaching and education for fuller implementation of the Convention.

The Group of Three established under the International Convention on the Suppression and Punishment of the Crime of Apartheid

17. The Commission on Human Rights, at its forty-sixth session, adopted resolution 1990/12 of 23 February 1990, relating to the implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid. In that resolution, the Commission, inter alia, took note with appreciation of the report of the Group of Three, and in particular of the conclusions and recommendations contained in that report (E/CN.4/1990/35); commended those States parties to the Convention that had submitted periodic reports and called upon those States parties that had not yet done so to submit their reports as soon as possible, in accordance with article VII of the Convention. By the same resolution, the Commission again urged States which had not yet done so to ratify or accede to the Convention without delay, especially those States which had jurisdiction over transnational corporations operating in South Africa; requested the Group of Three to continue, in the light of the view expressed by States parties to the Convention, the examination of the extent and the nature of the responsibility of transnational corporations for the continued existence of the system of apartheid in South Africa, including legal action that may be taken under the Convention against transnational corporations whose operations in South Africa come under the crime of apartheid.

Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

18. The status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment at 1 June 1990 is described in the annual report of the Committee against Torture (A/45/46).

19. At 1 June 1990, the Convention had been ratified or acceded to by 52 States. In addition, 21 States had signed the Convention.

Committee against Torture

20. At its third and fourth sessions, held from 13 to 24 November 1989 and 23 April to 4 May 1990 respectively, the Committee considered 15 initial reports submitted to it under article 19 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. A report on the Committee's second session was submitted to the General Assembly (A/44/46), as well as a report on its third and fourth sessions (A/45/46).

21. The General Assembly, at its forty-fourth session, adopted resolution 44/144 of 15 December 1989, and the Commission on Human Rights, at its forty-sixth session, adopted resolution 1990/28 of 2 March 1990, both entitled "Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment". In these resolutions the General Assembly and the Commission, inter alia, welcomed the report of the Committee against Torture; stressed the importance of strict adherence by States parties to the obligations under the Convention regarding the financing of the Committee against Torture; reiterated their requests to all States to become parties to the Convention as a matter of priority and invited all States ratifying or acceding to the Convention to consider the possibility of making the declarations provided for in articles 21 and 22 of the Convention. The General Assembly also welcomed the exchange of views that has taken place between the Committee against Torture and the Special Rapporteur of the Commission on Human Rights on questions relating to torture and requested that this exchange be continued. The Commission further requested the Secretary-General to ensure the provision of appropriate staff and facilities for the effective performance of the functions of the Committee against Torture.

Status of the Convention on the Rights of the Child

22. The Convention on the Rights of the Child was adopted by the General Assembly in resolution 44/25 of 20 November 1989. It was opened for signature, ratification and accession in New York on 26 January 1990.

23. The General Assembly, by the same resolution, called upon all Member States to consider signing and ratifying or acceding to the Convention as a matter of priority and expressed the hope that it would come into force at an early date, and requested the Secretary-General to submit to the General Assembly at its forty-fifth session a report on the Status of the Convention on the Rights of the Child.

24. The Commission on Human Rights, at its forty-sixth session, adopted resolution 1990/74 of 7 March 1990, concerning the Convention on the Rights of the Child. In this resolution, the Commission, inter alia, called upon all States to consider signing or acceding to the Convention on the Rights of the Child; requested the Secretary-General to prepare a report on the Status of the Convention for presentation to the Commission; and decided to include in the agenda of its forty-seventh session an item entitled "Status of the Convention on the Rights of the Child".

Reporting obligations of States parties to United Nations instruments in the field of human rights

25. The General Assembly, at its forty-fourth session, adopted resolution 44/135 of 15 December 1989, entitled "Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights". In this resolution, the General Assembly, inter alia, endorsed the recommendations of the meeting of persons chairing the human rights treaty bodies aimed at streamlining, rationalizing and otherwise improving the reporting procedures; welcomed the appointment by the Secretary-General of a task force to prepare a study on computerizing, as far as possible, the work of the treaty-monitoring bodies with a view to increasing efficiency and facilitating compliance by States parties with their reporting obligations and the examination of reports by the treaty bodies; again urged States parties to make every effort to meet their reporting obligations and to contribute, individually and through meetings of States parties, to the identification and implementation of ways of further streamlining and improving reporting procedures; acknowledged the recommendations of the meeting of persons chairing human rights treaty bodies on the need to ensure financing and adequate staffing resources for the operations of the treaty bodies and, with this in mind, (a) reiterated its request that the Secretary-General review the need for adequate staffing resources in regard to the various treaty bodies; (b) requested that he report on this question to the Commission on Human Rights at its forty-sixth session and to the General Assembly at its forty-fifth session; invited the persons chairing the human rights treaty bodies to maintain communication and dialogue with each other on common issues and problems and, to this end, requested the Secretary-General, within existing resources, to convene a meeting of the persons chairing the treaty bodies in 1990; expressed its satisfaction with the study by the independent expert on possible long-term approaches to enhancing the effective operation of existing and prospective bodies established under United Nations instruments on human rights (A/44/668), which contains several recommendations on reporting and monitoring procedures, servicing and financing of supervisory bodies and long-term approaches to human rights standard-setting and implementation mechanisms; and decided to give priority consideration at its forty-fifth session to the conclusions and recommendations of the independent expert, in the light of the deliberations of the Commission on Human Rights and those of the meeting of persons chairing treaty bodies.

26. The Commission on Human Rights, at its forty-sixth session, adopted resolution 1990/25 of 27 February 1990, entitled "Effective functioning of bodies established pursuant to United Nations human rights instruments". In this resolution, the Commission, inter alia, welcomed the conclusions and

recommendations with regard to the better functioning of the treaty bodies in the study on possible long-term approaches to the supervision of existing and new instruments on human rights (A/44/668); invited the treaty bodies to review the study on possible long-term approaches, to consider which conclusions and recommendations are of relevance to the respective spheres of competence and to send their comments to the Secretary-General; requested the Secretary-General to report on the comments of the treaty bodies to the Commission on Human Rights at its forty-seventh session; also urged all States parties to meet without delay all their financial obligations pursuant to United Nations Human Rights instruments; recommended that the Secretary-General seek to obtain, at the earliest opportunity, the concurrence of States parties to the Convention on the Elimination of All Forms of Racial Discrimination to the establishment of a "contingency reserve fund" made up of that portion of State party payments, received prior to 31 December of each year, which are over-assessments for the Committee on the Elimination of Racial Discrimination for the elapsed year (normally credited against the contribution of State parties), provided that the agreement of a State party must first be obtained before its own over-assessment is paid into this fund, with the fund to be used to finance, on a contingency basis, up to two meetings of the Committee on the Elimination of Racial Discrimination in a following year, for which State payments have not been received in that calendar year, with the contingency fund to be reimbursed in full once payments by these States are received; requested the Secretary-General to convene the forthcoming meeting of chairpersons of human rights treaty-monitoring bodies sufficiently in advance of the forty-fifth session of the General Assembly to enable consideration of the conclusions and recommendations of the meeting at that session; further requested the Secretary-General to submit a report on the situation and developments regarding the logistical and human resources support for the increasing activities in the field of human rights of the Centre for Human Rights, in particular on the servicing needs of the human rights treaty bodies, the provisions for servicing included in the United Nations budget and the implementation of these provisions, to the Economic and Social Council at its first regular session of 1990; and decided to consider the question on a priority basis at its forty-seventh session under the agenda item "Effective functioning of bodies established pursuant to United Nations human rights instruments".

27. The Commission on Human Rights, at its forty-sixth session, also adopted resolution 1990/21 of 23 February 1990, entitled "Computerization of the work of human rights treaty-monitoring bodies in relation to reporting systems". In this resolution, the Commission, inter alia, approved the recommendations of the Task Force contained in chapter IV of the study on computerizing the work of the human rights treaty-monitoring bodies in relation to reporting (E/CN.4/1990/39) and concurred with its analysis of the impact of the proposed system on the work of the treaty-monitoring bodies in relation to reporting, as described in chapter V of the study; recommended to States Members of the United Nations, in particular those States which are parties to United Nations human rights instruments, to make generous contributions to cover the estimated initial, one-time only, cost of the proposed system, and to enable the Secretary-General to implement the recommendations of the Task Force; drew the attention of the Economic and Social Council and through it the attention of the General Assembly, to the study, in particular chapters IV and V;

strongly recommended that the Economic and Social Council and the General Assembly approve the annual recurrent cost of the system, and authorize the inclusion of the annual recurrent cost in the programme budget for the 1992-1993 biennium, when the proposed system is expected to become operational; and requested the Secretary-General to report to the Commission on Human Rights at its forty-seventh session on the progress made in the implementation of the present resolution.

Status of the Convention on the Elimination of All Forms of Discrimination against Women

28. At 1 April 1990, there were 103 States parties to the Convention. The General Assembly, by its resolution 44/73 of 8 December 1989, inter alia, welcomed the ratification of or accession to the Convention by an increasing number of Member States, and urged all States that have not yet ratified or acceded to it to do so as soon as possible.

29. By the same resolution, the General Assembly endorsed the Committee's general recommendation No. 10 (eighth session, 1989) on activities to commemorate the tenth anniversary of the adoption of the Convention (A/44/38) including its request that its report on the achievements of States parties and obstacles encountered by them in implementing the Convention be regularly updated. It further noted the Secretary-General's proposals for full funding of the Committee and requested that the programme budget for 1990-1991 be based on provision for attendance at all the Committee's meetings by relevant professional staff members from the Division for the Advancement of Women of the Centre for Social Development and Humanitarian Affairs of the Secretariat, legal staff members expert in human rights treaty implementation and adequate secretarial staff, and provision be made for the necessary facilities for the effective functioning of the Committee to enable it to carry out its mandate as efficiently as other human rights treaty bodies.

Status of the Convention on the Prevention and Punishment of the Crime of Genocide

30. At 1 January 1990, there were 102 States parties to the Convention. The General Assembly, by its resolution 44/158 of 15 December 1989, and the Commission on Human Rights, in resolution 1990/19 of 23 February 1990, took note with appreciation of the fact that many States have ratified the Convention and affirmed the necessity of international co-operation in order to liberate mankind from this odious crime.

The right of peoples to self-determination

31. At its forty-fourth session, the General Assembly adopted resolutions 44/79 and 44/80 of 8 December 1989 with respect to the right of peoples to self-determination. In these resolutions, the General Assembly, inter alia, reaffirmed the importance of the universal realization of the right of peoples to self-determination, national sovereignty and territorial integrity and of the speedy granting of independence to colonial countries and peoples as imperative for the full enjoyment of all human rights; declared its firm opposition to acts of foreign military intervention, aggression and occupation, since these have resulted in the suppression of the right of

peoples to self-determination and other human rights in certain parts of the world; called upon the States responsible to cease immediately their military intervention and occupation of foreign countries and territories and all acts of repression, discrimination, exploitation and maltreatment, particularly the brutal and inhuman methods reportedly employed for the execution of these acts against the peoples concerned, deplored the plight of the millions of refugees and displaced persons who have been uprooted as a result of the aforementioned acts and reaffirmed their right to return to their homes voluntarily in safety and honour. The General Assembly further reaffirmed the legitimacy of the struggle of peoples for independence, territorial integrity, national unity and liberation from colonial domination, apartheid and foreign occupation by all available means, including armed struggle; condemned those Governments which do not recognize the right to self-determination and independence of all peoples still under colonial domination, alien subjugation and foreign occupation, notably the peoples of Africa and the Palestinian people; strongly condemned the constant and deliberate violations of the fundamental rights of the Palestinian people, as well as the expansionist activities of Israel in the Middle East, which constitute an obstacle to the achievement of self-determination and independence by the Palestinian people and a threat to peace and stability in the region; also strongly condemned South Africa for the imposition, renewal and extension of the state of emergency under its repugnant internal security act and the establishment and use of armed terrorist groups with a view to pitting them against the national liberation movements and destabilizing the legitimate Government of southern Africa. The Assembly further reaffirmed that the practice of using mercenaries against sovereign States and national liberation movements constitutes a criminal act, called upon the Governments of all countries to enact legislation declaring the recruitment, financing and training of mercenaries in their territories and the transit of mercenaries through their territories to be punishable offences and prohibiting their nationals from serving as mercenaries, and to report on such legislation to the Secretary-General, and demanded the immediate and unconditional release of all persons detained or imprisoned as a result of their struggle for self-determination and independence, full respect for their fundamental individual rights and compliance with article 5 of the Universal Declaration of Human Rights, under which no one shall be subjected to torture or to cruel, inhuman or degrading treatment.

32. The Commission on Human Rights, at its forty-sixth session, adopted the following resolutions under the item "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation": 1990/1, 1990/2 A and B and 1990/6, concerning the right of the Palestinian people to self-determination; 1990/4, concerning the question of Western Sahara; 1990/5, concerning the situation in Afghanistan; 1990/7, concerning the use of mercenaries; 1990/8, concerning the situation in South Africa; 1990/9, concerning the situation in Cambodia; and 1990/10, concerning the situation in Panama.

Measures to improve the situation and ensure the human rights and dignity of all migrant workers

33. At its thirty-fourth session, the General Assembly, by its resolution 34/172 of 17 December 1979, decided to create at its thirty-fifth session a working group open to all Member States to elaborate an

international convention on the protection of the rights of all migrant workers and their families. The Working Group met from the thirty-sixth to the forty-fourth sessions of the General Assembly to continue its task.

34. The Working Group on the Drafting of an International Convention held meetings at United Nations Headquarters from 26 September to 6 October 1989 and from 28 May to 8 June 1990 to continue the second reading of the draft convention.

35. By its resolution 44/155 of 15 December 1989, the General Assembly took note with satisfaction of the reports of the Working Group (A/C.3/44/1 and A/C.3/44/4). The Assembly requested the Secretary-General to entrust to the Centre for Human Rights the technical revision of the text of the articles of the draft convention that have been approved so far by the Working Group in second reading and decided that the Working Group shall hold a meeting of two weeks' duration in New York, immediately after the first regular session of 1990 of the Economic and Social Council, with a view to completing the remaining articles and considering the results of the technical revision of the draft convention.

Elimination of all forms of religious intolerance

36. At its forty-fourth session, the General Assembly adopted resolution 44/131 of 15 December 1989, in which the Assembly noted that the Commission, on the basis of a report to be submitted by the Sub-Commission, intends to consider at its forty-sixth session the question of a binding international instrument in this field.

37. The Commission at its forty-sixth session adopted resolution 1990/27 of 2 March 1990, in which the Commission, inter alia, welcomed with appreciation the working paper prepared by Mr. van Boven, which contains a compilation of provisions relevant to the subject, as well as the issues and factors to be considered before any drafting of a further binding international instrument.

Question of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms

38. The Commission, by decision 1985/112 of 14 March 1985, established an open-ended working group to draft a declaration on the subject. The Working Group has held five sessions since then and adopted, at first reading, elements to be included in the preamble and chapters I and II of the future declaration, and articles to be included in chapters III and IV. (See the report of the Working Group on its fifth session, E/CN.4/1990/47).

39. In its resolution 1990/47 of 6 March 1990, the Commission on Human Rights decided to establish a working group to meet for a period of eight working days prior to the forty-seventh session of the Commission with a view to continuing the elaboration of this draft declaration.

40. The Economic and Social Council, in its resolution 1990/40 of 25 May 1990, endorsed the decision of the Commission.

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Memorandum submitted by the International Labour Office

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Memorandum submitted by the International Labour Office

1. Ratification of Conventions

1. Since the International Labour Office submitted its previous memorandum to the Sub-Commission at its fortieth session, the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) has received one ratification (Uruguay), bringing the total number to 111. The Equal Remuneration Convention, 1951 (No. 100) has received two further ratifications (Uruguay and Zimbabwe), bringing the total to 111. The Employment Policy Convention, 1964 (No. 122) has not received any further ratification and the total remains 73. The Workers with Family Responsibilities Convention, 1981 (No. 156), which came into force on 11 August 1983, has received three further ratifications (France, Uruguay and Yemen), bringing the total to 16. With regard to migrant workers, the Migration for Employment Convention (Revised), 1959 (No. 97) and the Migrant Workers (Supplementary Provisions) Convention (No. 143) have not received any further ratification and the total numbers of ratifications are 38 and 15 respectively. The Indigenous and Tribal Populations Convention, 1957 (No. 107) has not received any further ratification and the total remains at 27. The Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117) has received one further ratification (Guatemala), bringing the total to 31. The Vocational Rehabilitation and Employment Convention, 1983 (No. 159), which came into force on 20 June 1985, has received six further ratifications (Brazil, Colombia, Federal Republic of Germany, German Democratic Republic, Uganda and Tunisia), bringing the total to 32.

2. Application of Conventions

2. Within the framework of the Office's regular programme for the supervision of ILO Conventions and Recommendations, the Committee of Experts on the Application of Conventions and Recommendations, at its session in March 1990, 1/ made a number of comments on the developments which have taken place in several of the countries that have ratified the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and other conventions referred to above.

3. Adoption of new standards

3. At its seventy-sixth session (June 1989), following the second discussion on the partial revision of the Indigenous and Tribal Populations Convention, 1957 (No. 107), the Conference adopted the Indigenous and Tribal Peoples Convention, 1989 (No. 169) as well as a resolution on ILO action concerning indigenous and tribal peoples. In its preamble, the Convention underlined the need to remove the assimilationist orientation of the earlier standards and drew attention to the particular contribution of indigenous and tribal peoples to the cultural diversity and to the social and ecological harmony of mankind as well as to international co-operation and comprehension. Its provisions concern general policy, land, recruitment and working conditions, vocational training, handicrafts and rural industries, social security and health, education and means of communication, contacts and co-operation across borders and administration. The resolution contains a series of measures for action to be undertaken at the national and international levels as well as by ILO.

4. Action against apartheid in South Africa

4. Action against apartheid has continued to constitute a significant component of ILO's activities to combat discrimination and the violation of human rights. A major recent development in ILO's anti-apartheid programme is the setting up of a group of independent experts to follow up and monitor the implementation of sanctions and other action against apartheid throughout the world (in particular, steps taken to circumvent such measures), in accordance with ILO's updated Declaration concerning Action against Apartheid in South Africa and Namibia and the Programme of Action against Apartheid. This Group was established in compliance with the conclusions drawn up by the Committee on Action against Apartheid at the seventy-fifth session of the International Labour Conference (1988). These conclusions also specified the tasks to be performed by the Group, which included the investigation and evaluation of the effects of present sanction measures; the conducting of feasibility and case studies on sanctions; regularly surveying and updating the state of world trade with South Africa; maintaining a register of investment and disinvestment in South Africa; and publishing, three times a year, the results of the research. To avoid duplicaton, the Group was requested to carry out its mandate in close co-operation with other United Nations bodies and international organizations which also collect information on sanctions and other action against apartheid.

5. The three members to constitute the Independent Group of Experts were designated by the ILO Governing Body in June 1989 on the basis of proposals made by the Director-General of ILO. At its first meeting, in New York in October 1989, the Group defined its methods of work and the nature of its mandate. It decided to place emphasis on studies concerning an embargo on South African coal, effective financial sanctions and the severance of air links with South Africa. While in New York, the Group also had consultations with a number of United Nations bodies based there whose fields of activity were of interest to its work.

6. At its second meeting, in Geneva in February 1990, the Group of Independent Experts discussed the revision of the questionnaire sent annually by ILO to its tripartite members to request information on action taken by them against apartheid, and also interim reports on studies being undertaken with regard to an embargo on South African coal and effective financial sanctions. Through documentation prepared by ILO, the Group members informed themselves about the work of the United Nations and other organizations concerning sanctions and related matters, and also held discussions with representatives of several United Nations bodies in Geneva working in areas within its sphere of interest, including the Commission on Human Rights and the United Nations Conference on Trade and Development (UNCTAD).

7. Before its third meeting in Harare (30 April to 3 May 1990), the Group of Independent Experts had consultations in Addis Ababa, Dar es Salaam, Lusaka and Gaborone with a number of organizations whose work included matters of relevance to the Group's mandate. These included the Economic Commission for Africa, the Organization of African Unity (OAU), the African National Congress (ANC), PAC, the Southern African Labour Commission (SALC), the Southern African Development Co-ordination Conference (SADCC) and the South African

Research and Documentation Centre (SARDEC). Discussions were also held with some Government ministers in Zambia and Zimbabwe. The Group observed, inter alia, that there was a need for the constant monitoring of sanctions and their application by bodies within the international community which could act together with those in Africa seeking to achieve the same objectives. It was noted that ILO had a particular responsibility in terms of its updated Declaration on Action against Apartheid and, in this connection, the Group indicated that it would be useful to examine action to be taken regarding the impact of sanctions on matters relating to labour and employment in South Africa and the front-line States.

8. During its third meeting, the Group examined an interim report of the study on the coal embargo, which contained information on the extent of trade in coal exported by South Africa to a number of countries in Europe and Asia as well as on measures taken at the national or international level to restrict or limit the importation of such coal (and, to a lesser extent, on the circumvention of these measures). In considering this information the Group was of the view that a useful start had been made in studying the question of the coal embargo, and that there was useful documentation available on the flow of South African exports and the extent to which an effort was being made to restrain or diminish this flow. However, it also considered that substantial additional work needed to be done before any definitive consideration could be given to the matter. In particular, it was felt that attention should be given to the question of machinery for monitoring the trade in coal. The Group accordingly expressed the view that the study on this subject should be completed in time for consideration at its next meeting.

9. With regard to financial sanctions, the Group of Independent Experts considered in detail a study which had been prepared on the subject at its request. It was satisfied that most of the essential aspects of this matter had been covered by the study and that these were sufficient for it to arrive at interim conclusions on the matter. The Group felt that some additional work would need to be done in preparing the study for possible publication, and it accordingly decided to authorize such work with a view to considering a final version of the study at its next meeting. The Group, however, made a number of interim conclusions in relation to sanctions: that financial sanctions had been very effective in curbing the buoyancy and growth of the South African economy and therefore constituted an essential element in any strategy for sanctions designed to end the system of apartheid; that the effectiveness of financial sanctions had been reduced by the fact that not all members of the international community implemented them and it therefore suggested that the development of a comprehensive database on inward and outward financial flows in South Africa could help in detecting such actions; that foreign creditor banks and their Governments adopt a co-ordinated stand in relation to the renegotiation and rescheduling of South African debt and use this tool as a means of putting pressure on the South African Government to meet the demands of the anti-apartheid groups; that the universal implementation of the ban on trade credits would constitute a powerful means of increasing pressure on the South African authorities and that therefore medium and long-term credits should be denied to South Africa on a compulsory basis; that trade credits for exports to and imports from South Africa be

phased out; that all countries which still maintained trade and commercial relations with South Africa impose legal prohibitions on new loans to the private and public sectors in South Africa and also impose legal prohibitions on all forms of new investment in South Africa as well as encourage disinvestment from South Africa. Finally, the Group also indicated that it strongly favoured the abrogation or suspension of all double-taxation agreements with South Africa.

10. Furthermore, the Group considered that work should be initiated on the third area, the question of air links with South Africa, targeted for special action by the International Labour Conference Committee on Action against Apartheid in 1989. In this regard, it requested the Office to make inquiries from a number of bodies (including OAU, the UNECA, SADCC and the International Civil Aviation Organization (ICAO) on possible co-operation with them in examining the matter. The Group was also of the view that detailed consideration should be given to the impact of sanctions on employment and labour matters, and accordingly decided that this matter should be taken up at its fourth meeting.

11. Regarding its future programme of meetings, the Group decided that its fourth meeting would take place in New York in September 1990 to enable it to undertake further consultations with various United Nations bodies based there on matters of mutual concern. It also decided to have consultations with the Commonwealth Secretariat in London and with the Council for European Political Co-operation in Brussels. The Group plans to hold its fifth meeting in Geneva. The reports on the second and third meetings of the Group of Independent Experts were submitted to the Committee on Discrimination of the ILO Governing Body and subsequently to the Committee on Action Against Apartheid at the seventy-seventh session of the International Labour Conference, in June 1990.

12. Apart from the work of the Group of Independent Experts, other monitoring work continued to be undertaken by ILO in addition to technical co-operation projects and information dissemination activities within the framework of the updated Declaration concerning Action against Apartheid in South Africa and Namibia and the Programme of Action appended to it adopted by the seventy-fifth session of the International Labour Conference, in June 1988.

13. In accordance with paragraph 5 of the updated Declaration, the Special Report of the Director-General on the Application of the Declaration concerning Action against Apartheid in South Africa and Namibia was submitted to the Committee on Action against Apartheid of the International Labour Conference at its seventy-seventh session, in June 1990. The report reviewed recent developments in the labour and social field in South Africa and Namibia, analysed information supplied by Governments, employers' and workers' organizations on action taken against apartheid and also described action undertaken by ILO and other international organizations against apartheid in 1989.

14. In compliance with paragraph 5 (b) of the Declaration, the information supplied by ILO's tripartite members was considered by the Committee on Discrimination at the 246th session (May 1990) of the Governing Body. The report on the Committee's deliberations was transmitted to the Conference

Committee on Action against Apartheid. The conclusions of the Conference Committee on Action against Apartheid were subsequently adopted by the International Labour Connference at its seventy-seventh session. The conclusions contained a number of recommendations for action; calls were made for:

(a) All Governments, employers' and workers' organizations, as well as ILO, to make a special effort, within the context of the present situation, to ensure that concrete measures be taken with new urgency in the light of the changes which are at present taking place in South Africa, to promote the total application of all the recommendations contained in the updated Declaration and its appended Programme of Action, as well as other action intended to end apartheid. Those Governments which have so far not severed political and diplomatic relations with South Africa should begin implementation of this recommendation by downgrading their diplomatic missions in Pretoria and by insisting on numerical parity, in line with the Vienna Convention on Diplomatic Relations, for South Africa's foreign missions which, in violation of that Convention, are spreading false information on the situation in South Africa and are also known to be the prime instigators of sanctions-busting. It remains equally important that the constituent members make increasing efforts towards special information campaigns to explain that the changes taking place in South Africa up to the present have not as yet affected the fundamental bases of apartheid;

(b) Governments to bring about:

(i) An embargo on South African coal;

(ii) Effective financial sanctions, aimed among other things at preventing the rolling over of existing loans; the banning of all new loans and trade credits (i.e. foreign finance); and that in no circumstances should guarantees be provided for trade credits;

(iii) Appropriate legislation to prevent the sale and transportation of oil to South Africa;

(iv) An effective severance of air links so that certain companies cannot benefit from the withdrawal of others.

To this effect, the Conference called for special target campaigns, with the fullest possible participation by all constituent members;

(c) All Governments to adopt the following measures:

(i) Discourage emigration, in particular of skilled and semi-skilled workers, to South Africa, including those from Central and Eastern Europe;

(ii) Ensure that candidates from South Africa for immigration do not enjoy any special privileges;

(d) Employers' organizations to urge multinational enterprises to disclose full information on the terms of disinvestment, including details of any links they intend to maintain with South African enterprises, and to negotiate the terms of disinvestment with the trade unions concerned;

(e) Governments of member States which have adopted strict commercial embargoes on trade with South Africa to take all necessary steps to ensure that all enterprises concerned do not circumvent these by trading with South Africa through other countries which have not adopted similar legislation;

(f) That the agreement reached between SACCOLA on the one hand, and NACTU and COSATU on the other, on 7 May 1990, concerning amendments to the Labour Relations Act, be given legislative effect by the South African Parliament at its present session, in order to pre-empt increased industrial conflicts.

(g) Trade unions to organize campaigns to prevent and/or publicize attempts by South African multinational enterprises to take over enterprises outside South Africa;

(h) Employers in South Africa to form a non-racial employers' organization;

(i) Concerted campaigns by all constituent Members to put pressure on the Government of South Africa to release all political and trade union detainees without exception, to lift all restrictions on those already released, to allow the return of all those in exile because of their political and trade union activities, and to proceed to end the current violence in Natal, especially by lifting the state of emergency which still applies to that province;

(j) Concerted campaigns by all constituent members to put pressure on the Government of South Africa for the repeal of all apartheid laws;

(k) The International Labour Office to finalize as speedily as possible the report on the gold trade with South Africa, requested by the seventy-fifth session of the Conference, identifying practical measures that could be adopted by constituent members in this respect;

(l) The Director-General to continue to respond effectively to requests from the democratic South African workers' organizations for technical co-operation assistance within the field of competence of ILO, such as the workshop held in May 1990 in Harare to discuss amendments to the Labour Relations Act, on condition that this assistance does not constitute in any way a violation of the policy of sanctions;

(m) The Government of South Africa to consent to the referral to the Fact-Finding and Conciliation Commission of ILO of the complaint lodged by COSATU in 1988;

(n) The Governing Body to examine the possibility of holding, before the next session of the International Labour Conference, a subregional tripartite conference to which, among others, should be invited: the democratic South African trade union organizations, the relevant subregional, regional and international trade union and employers' organizations and OAU. This conference should study concrete proposals for regional integration, including a post-apartheid South Africa which should be to the benefit of all the people and workers of the region, and should re-examine a programme of action in favour of the countries which have particularly suffered from South Africa's destabilization policy, as well as the situation of migrant workers in South Africa;

(o) The International Labour Conference should convey to the Government of South Africa that every measure be taken to speed up the process that would allow the creation of an appropriate climate for negotiations towards the total dismantling of apartheid and the creation of a non-racial democratic society based on one person, one vote on a common voters' roll.

(c) Namibia

(i) The Governing Body to place on the agenda of the seventy-eighth session of the International Labour Conference the question of the revision of the ILO Declaration and the Programme of Action with a view to deleting all references to Namibia because of Namibia's accession to independence;

(ii) All constituent members and ILO to take all measures necessary to provide to the Government, workers' and employers' organizations of Namibia all technical assistance in the reconstruction of this country.

15. Technical co-operation activities continued to form a crucial component of ILO's anti-apartheid programme. There were 13 projects under implementation during the past year, financed mainly from multi-bilateral resources which covered, inter alia, vocational training, vocational rehabilitation, labour administration, workers' education, rural development, migrant workers, small enterprise development, employment planning and a study tour for women leaders from South Africa and Namibia to see successful projects for women. A number of activities were also undertaken with resources from ILO's regular budget for technical co-operation. They included seminars on labour law and on media skills, fellowships in diverse training areas, a workshop on the needs of South African women and the design of projects to meet these needs and study visits to ILO.

16. In view of Namibia's independence, ILO sent an exploratory mission to Namibia in September 1989 to assess the framework for a comprehensive ILO technical co-operation programme to assist the country. A number of priority areas were identified by the mission for ILO's action which included human resources development, labour administration, assistance to employers' and workers' organizations and employment promotion. A study on labour and discrimination in Namibia was also undertaken to update an earlier one conducted in 1977 and to provide the new Namibian Government with relevant information for action in this field. A workers' education adviser was stationed in Windhoek to work closely with the National Union of Namibian Workers and its affiliated unions to identify both their short-term and

long-term workers' education needs. Another ILO mission visited Namibia in April 1990 for consultations with the new Namibian Government on ILO technical assistance including employment creation and promotion of equality. In addition, the Namibian Minister of Labour, Public Service and Manpower Development undertook an orientation visit with two advisers to ILO in May 1990 to discuss possible areas of co-operation between Namibia and ILO. Furthermore, ILO's International Centre for Advanced Technical and Vocational Training at Turin, Italy, obtained an allocation of almost $US 500,000 from EEC to carry out several crash training activities to address some of the immediate training needs required by an independent Namibia.

17. Several project proposals have also been formulated for implementation in Namibia in the near future to assist the country in its reconstruction efforts after independence. They cover employment promotion including income-generating schemes in resettlement areas, rural employment planning, an employment mission, vocational training and vocational rehabilitation; training of labour administrators; assistance in the revision of the labour laws; an employment advisory mission; promotion of equality in relation to race and sex; the abolition of Namibia's internal migrant labour system; the elimination of discriminatory provisions from various legislative texts; promotion of tripartism and the development of sound systems of labour relations.

18. In the area of information dissemination on the labour situation under apartheid, there was widescale distribution of the ILO documentary film entitled "Changing this country: the testimony of four South African workers", and another issue of the Special Report of the Director-General on the Application of the Declaration concerning Action against Apartheid in South Africa and Namibia was published for the seventy-seventh session of the International Labour Conference. Other ILO anti-apartheid activities included protests by the Director-General of ILO to the South-African Government on a number of occasions over matters affecting trade union rights and the detention of trade unionists. Furthermore, Mr. Nelson Mandela was invited to address the seventy-seventh session of the International Labour Conference.

5. Situation of Arab workers in the occupied Arab territories

19. For the thirteenth consecutive year, three representatives of the Director-General carried out a visit to Israel and the occupied Arab territories from 16 to 27 February 1990. This visit was preceded, as usual, by a preparatory mission undertaken by two ILO officials to the Arab countries concerned in order to hold consultations with government, employers' and workers' groups as well as with the Palestine Liberation Organization. The report based on these missions examined the evolution of the situation of the Arab workers living in these territories and the measures taken, if any, by the Israeli authorities following the recommendations made in previous reports. Taking into account the special context in which the problems were studied, the report considered the various aspects of equality of opportunity and treatment for workers in the occupied Arab territories with regard to the economy and the labour market, including education and training and employment opportunities, the social insurance system, the trade union situation, the establishment of settlements and their impact on living and working conditions, the situation in the Golan and the ILO programme of technical co-operation. For each item examined, a number of substantial conclusions and recommendations were made for the attention of the Israeli Government. The

report on this subject appeared in an appendix to the report of the Director-General submitted to the International Labour Conference at its seventy-seventh session, in June 1990, 2/ which considered it at a special sitting.

6. Women workers

20. Activities across all major ILO programmes continued to be carried out to promote equality of opportunity and treatment for men and women in employment.

21. In the field of standards and protective legislation, the seventy-seventh session of the International Labour Conference adopted the Protocol of 1990 to the Night Work (Women) Convention (Revised), 1948 and adopted the Night Work Convention, 1990, and Night Work Recommendation, 1990. A Meeting of Experts on Special Protective Measures for Women and Equality of Opportunity and Treatment was convened in 1989. In addition, a law and practice report was prepared in 1989 on Equality of Treatment between Men and Women in matters of social security, and is being updated.

22. The question of equal opportunity and treatment for men and women workers was included in or was the main item of discussion in various types of meetings. The ninth session of the Plantation Committee, held in April 1989, addressed the conditions of employment and work of women workers. Other meetings included regional seminars for African French-speaking trade union women; subregional tripartite seminars on the promotion of equality of opportunity in employment in selected African countries and in Latin America; national seminars on women in plantations and on needs of black South African women workers; and regional seminar on women's participation in co-operative societies. The issues of women's employment was also included in a number of workshops on employment, the labour market and rural development. An African subregional seminar on women's access to land, held in 1988, is to be followed up by three national meetings in 1990. Also in the second half of 1990 several symposia or meetings are scheduled: one on the promotion of equality in industrialized countries; one on the promotion of equality in the Asia/Pacific region and one on an examination of the need for international standards for homeworkers.

23. Numerous research and study items specifically focused on women workers or included issues particularly affecting women. In the field of employment such studies included country reports on labour flexibility and unemployment and labour force participation, an analysis of the global feminization of labour, on precarious jobs and labour market regulation, rural women's access to land, involvement of women in afforestation, self-employment schemes for female-headed households and women in the informal sector. In the field of training, studies and reviews were undertaken on women's role in small enterprise development, on women's participation in vocational and technical training, women in the informal sector, on the diversification of women's training and employment, on information technology and women's training and on women with disabilities. In other areas, studies, reviews and publications were completed on issues such as part-time work, home work, women workers in various industries and on self-employed women's associations. A major study on equal pay for work of equal value has also been undertaken in the industrialized countries.

24. In the area of improved data collection and publications in the field of statistics, technical papers were issued on women in economic activity and a major publication entitled Women in the World of Work - Statistical Analysis and Projections to the Year 2000 was completed.

25. Technical co-operation activities, both women-specific and general projects, formed a large part of ILO's action over the past year. Projects are operational in the areas of population, human resources and development, family welfare education projects, rural women's income and employment activities, technologies for rural women, training programmes for women managers, diversification of women's skills, rural vocational training and skills development for self reliance, training for disabled women, integrating employment, income and shelter needs for women plantation workers, employment conditions for women fuelwood carriers, assistance to women heads of enterprises and workers' education for women workers.

26. Co-operation with the United Nations system continued to be active. ILO participated in the thirty-third and thirty-fourth sessions of the United Nations Commission on the Status of Women. The Office has contributed a report on women in the informal sector as part of the updating of the World Survey on the Role of Women in Development. As in previous years, comprehensive reports have been submitted to the United Nations Secretariat in preparation for the United Nations Committee on the Elimination of all Forms of Discrimination against Women. Reports for 1989 also included a summary of ILO policies and programmes in favour of rural women. Close relations were also maintained on women's issues with United Nations Development Fund (UNDP); with the United Nations Development Fund for Women (UNIFEM), with whom ILO has agreed to contribute to a United Nations system-wide video project on women and literacy; with the United Nations Population Fund (UNFPA), the United Nations International Research and Training Institute for the Advancement of Women (INSTRAW) and with UNESCO.

7. Migrant workers

27. ILO has continued to provide technical support to various international and regional organizations, which include the Working Group set up by the United Nations General Assembly to draft an International Convention on the Protection of the Rights of All Migrant Workers and their Families.

28. Work has progressed well on an ILO pilot project in Portugal, aimed at tapping the potential of young migrants for the development of the backward regions from which their parents emigrated. Another project seeking to facilitate the integration of second-generation migrants in the Federal Republic of Germany also reached its full implementation stage.

29. An informal round table will be held in October 1990 on the problems and prospects faced by migrant workers from non-EEC countries in the European Community after 1992, and several studies were launched concerning the integration of migrant workers in Western Europe in general and their membership of trade unions in particular.

30. Since the 1986 decision of the South African Government to repatriate thousands of Mozambican miners, ILO has launched a Norwegian-financed project to absorb productively the unemployed migrants into the Mozambican economy.

31. In Asia, research and operational activities were carried out as part of a UNDP-financed regional project seeking to help migrant-sending countries in tackling problems of migration to and back, in particular from oil-producing countries of the Middle East.

32. The International Labour Office has also published several studies regarding the international migration for employment problems in different countries and regions.

8. Collaboration with other international organizations

33. The arrangements whereby ILO collaborates with other international organizations on questions concerning the supervision of international instruments and matters of interest to more than one organization continued to function, as in the past, in relation to discrimination in employment and occupation, indigenous and tribal populations, migrant workers and basic aims and standards of social policy, particularly through ILO's collaboration with the United Nations Commission on Human Rights, the Sub-Committee on the Prevention of Discrimination and the Protection of Minorities, the Committee on the Elimination of All Forms of Racial Discrimination, the Commission on the Status of Women, the Committee on the Elimination of Discrimination Against Women as well as the Centre for Social Development and Humanitarian Affairs, UNIFEM, INSTRAW and UNDP. The International Labour Office was represented at the meeting of exchange of information and views on the activities of the Second Decade to Combat Racism and Racial Discrimination, held in Geneva on 17 May 1990. During the past year, ILO also continued to maintain collaboration with other organizations within the United Nations system, and with non-governmental and other intergovernmental, regional and subregional organizations within the framework of a concerted effort to eliminate apartheid.

9. Research and promotional activities

34. Under ILO's educational and promotional programme for the elimination of discrimination and the promotion of equal opportunity in employment, a subregional tripartite seminar on promotion of equality of opportunity in employment for selected African countries was organized in Dakar (Senegal) from 18 to 22 September 1989, and another subregional tripartite seminar on non-discriminatory employment practices was organized in San José (Costa Rica) from 16 to 20 October 1989. A subregional tripartite seminar on the promotion of equality of opportunity and treatment in employment for north African countries will be organized in December 1990 in Cairo. ILO has continued its research and publications programme, which has extensively covered the elimination of discrimination in employment based on grounds such as race, ethnic origin, sex, religious beliefs or political opinions, as well as discrimination against migrant workers. In particular, notes and studies on new developments in various countries have appeared regularly in ILO publications such as the International Labour Review and the Social and Labour Bulletin.

Notes

1/ International Labour Conference, seventy-seventh session, 1990: Report III (part 4A): Report of the Committee of Experts on the Application of Conventions and Recommendations. This annual report contains a review of the application by ratifying status of ILO Conventions, including those dealing with fundamental human rights regarding freedom from discrimination, freedom from forced labour and freedom of association.

2/ International Labour Conference, seventy-seventh session, 1990, Report of the Director-General, Appendices (Vol. 2), Appendix II: Report on the situation of workers of the occupied Arab territories.

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Sub-Commission on Prevention of Discrimination
and Protection of Minorities
Forty-second session
Item 4 of the provisional agenda

REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE SUB-COMMISSION HAS BEEN CONCERNED

Report submitted by UNESCO

UNESCO ACTIVITIES CONCERNING PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

1. UNESCO's contribution to the prevention of discrimination during the period June-December 1989 came within the context of the implementation of Major Programme XII entitled "Elimination of prejudice, intolerance, racism and apartheid", which formed part of the Second Medium-Term Plan, and for the period January-June 1990 it came under the Major Programme Area entitled "UNESCO's contribution to peace, human rights and the elimination of all forms of discrimination", which forms part of the Third Medium-Term Plan.

2. Reference should be made to the following activities during the period under consideration:

(a) An information brochure intended for wide readership published in collaboration with IDAF: "Subverting Apartheid - Education, Information and Culture under Emergency Rule", IDAF, London, 1990;

(b) A compilation of statements by prominent religious figures on apartheid (1948-1989), and an analysis of this period from the standpoint of religion and apartheid, due to be published in 1990;

(c) A repertory of research institutions and groups, a list of their documentary resources and a list of research studies is in the course of operation;

(d) Two working groups, one on women and apartheid (Caracas, Venezuela, 19-22 September 1989), and the other on culture and apartheid (Dakar, Senegal, 27-30 November 1979);

(e) An international meeting of experts on diasporas was held at Port of Spain, Trinidad and Tobago, from 28 May to 1 June 1990. The participants examined the concept of a diaspora and analysed the nature and impact of the diasporas of African, Indian and Chinese origin, geographical concentration, social and cultural cohesion, social mobility, political mobilization, and interaction with the new environment and the emergence of a non-racist culture.

3. UNESCO will continue studies and research on prejudice and racism, and will engage in activities to combat them throughout the period covered by the Third Medium-Term Plan. This Plan also comprises a special project entitled "The establishment in South Africa of an egalitarian, non-racial society, free from apartheid and reconciled with itself".

4. With the context of this special project, the international intellectual community will be invited to make its contribution to efforts to combat apartheid and create a free democratic and non-racial South Africa. Working in close co-operation with the United Nations Special Committee against Apartheid, UNESCO will analyse, in a future-oriented perspective, the situation currently prevailing in South Africa. On the basis of the studies undertaken in 1988 and 1989, UNESCO will contribute to the formulation of policies for the period following the elimination of apartheid, in collaboration with the liberation movements, research institutions and anti-apartheid democratic forces in South Africa.

5. During the first phase of the Third Medium-Term Plan, in accordance with the programme and budget approved for 1990-1991, the following activities will be undertaken:

(a) Consolidated report on studies undertaken by UNESCO on apartheid;

(b) Studies and organization of an informal working group on other possible policies in a South Africa freed from apartheid; publication of a report;

(c) Meeting on religions and apartheid, in Spain in 1990 (under contract with IDAF, in collaboration with the Spanish National Commission);

(d) Workshop on human rights questions in South Africa;

(e) Training and further training of South African personnel (fellowships and grants, secondment of researchers and students);

(f) Pilot project in southern Africa with a view to setting up a documentation centre (under contract with IDAF);

(g) Contribution to an international symposium organized by the Museum of the Tropics in Amsterdam on images of blacks in popular Western culture;

(h) Meeting on the participation of immigrant groups in the West European countries in the context of 1992;

(i) Comparative research on discrimination phenomena in the various regions.

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Sub-Commission on Prevention of
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Forty-second session
Item 13 of the provisional agenda

HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS

MOVEMENT AND DUMPING OF TOXIC AND DANGEROUS PRODUCTS AND WASTES

Report of the Secretary-General prepared in accordance with Commission on Human Rights resolution 1990/43

1. At its forty-first session, in 1989, the Sub-Commission on Prevention of Discrimination and Protection of Minorities adopted resolution 1989/12 of 31 August 1989, by which it recommended to the Commission on Human Rights that it adopt a resolution concerning movement and dumping of toxic and dangerous products and wastes.

2. Following that recommendation, the Commission, at its forty-sixth session, adopted resolution 1990/43 of 6 March 1990 on the subject. In paragraph 1 of the resolution, the Commission requested the United Nations Environment Programme "to enter into negotiations with the Organization of African Unity so as to find global solutions to the problem of the transboundary movement of hazardous wastes and their disposal".

3. In paragraph 2 of that resolution, the Commission requested the Secretary-General "to submit a report on the result of the negotiations between the United Nations Environment Programme and the Organization of African Unity to the Commission on Human Rights at its forty-seventh session and to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-second session".

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4. In accordance with the request, the Office of the Executive Director of the United Nations Environment Programme submitted the following information:

"As you are no doubt aware, the secretariat of the United Nations Environment Programme in implementation of the Governing Council's decision 14/30 of 17 June 1989 that requested UNEP to prepare a global Convention on the Control of Transboundary Movements of Hazardous Wastes sought the involvement of all Governments, and in this respect invited the African countries to participate in the Group of Technical and Legal Experts entrusted with the preparation of the Draft Convention. A number of them participated. UNEP also co-sponsored an African Ministerial meeting in Dakar, Senegal, in January 1989 which issued a joint communique urging the African countries to participate in the Plenipotentiary Conference which was held in Basel, Switzerland in March 1989. During that Conference UNEP worked very closely with the African representatives and helped in accommodating most of their concerns into the Basel Convention which was ultimately adopted on 22 March 1989.

The Executive Director was naturally very anxious that appropriate accommodation should be reached with all countries and in particular with the African countries which had taken this matter up within their regional machinery.

Thus, during the United Nations General Assembly Session he had a lengthy meeting with the Secretary-General of the OAU and re-affirmed to him UNEP's commitment to assist the African countries in dealing with the problem of Hazardous Wastes. Following that meeting an invitation was extended to the Director responsible for the environment within the OAU secretariat to visit Nairobi and meet with his counterparts so as to determine how UNEP can help the OAU in that field. He did that in November 1989.

Further, Dr. Tolba appointed Mr. O. Elsheikh the former Ambassador of Sudan to Kenya and its former Permanent Representative to UNEP as his personal representative to assist the African countries develop their own convention dealing with the problem on hazardous wastes. In that capacity he has attended two sessions of the Group of African Technical and Legal Experts where he assisted in the development of an African Draft Convention.

The draft is now ready and is expected to be presented to a Plenipotentiary Conference to be held in Bamako, Mali towards the end of June 1990. UNEP will also be represented there in case any further assistance is required of us."